REMARKS

Claims 35-63 are pending in the application.

Claims 35-63 have been rejected.

Claims 35, 40, 45, 50 and 55 have been amended, as set forth herein.

Claims 36, 41, 46 and 51 have been canceled, without prejudice.

I.   DOUBLE PATENTING REJECTION

Claims 35-63 were provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 64, 74 and 84 of Ramey '8003, copending US

Application Serial No. 10/808,092 (as set forth in US Patent Publication No. 2005/0008003) in view

of Freishtat (US Patent No. 5,945,989). This provisional rejection, and the statements/interpretation

of the subject matter of Ramey '8003 and Freishtat, are respectfully traversed. Since this is only a

provisional rejection, Applicant will address or otherwise respond to this rejection in the event the

claims of Ramey '8003 mature into an issued US patent.

II.   REJECTIONS UNDER 35 U.S.C. § 102

Claims 35, 40, 45, 50, and 55-63 were rejected under 35 U.S.C. § 102(e) as being anticipated

by Freishtat (US Patent No. 5,945,989).[1] Claims 35, 40, 45 and 50 were rejected under 35 U.S.C.

§ 102(e) as being anticipated by Erb (US Patent No. 6,246,678). Claims 35-54 were rejected under

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[1] The rejection heading identifies Claims 35, 40, 45, 50 and 53-63, however, paragraph 9 of the
Office Action identifies Claims "55-63" as being rejected, not claims "53-63". Thus, Applicant assumes
Claims 53 and 54 are not rejected.

35 U.S.C. § 102(e) as being anticipated by Standford (US Patent No. 6,980,641).[2] The rejections are respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

To further prosecution, independent Claims 35, 40, 45, 50 and 55 have been amended to recite (generally) that the web application commands that are translated include a call control command.

The Office Action concedes that Freishtat fails to disclose or describe this feature. In fact, Freishtat is directed to a device for enabling users to create and modify web pages through a telephone using interactive voice response technology. Freishtat, Abstract. Thus, Freishtat does not disclose translating a call control command transferred from a web application to a call server system from a web application format to a call server system format.

The Office Action also concedes that Erb fails to disclose or describe this feature. In fact, Freishtat is directed to an architecture to manage and control a telephony switch and enable and support moves and changes of information stored in telephony switches. Erb, Col. 3, lines 7-10.

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[2] Claims 1-34 were previously canceled, thus Applicant assumes Claims 35-54 were intended.

The cited portions of Erb appear directed to accessing a database (DB) server, and do not disclose or described translating a call control command transferred from a web application to a call server system from a web application format to a call server system format.

With respect to the Standford reference, this reference is directed to a computer 56 executing an application program 50 that displays a virtual telephone on its display. Standford, Col. 3, lines 44-50. The web application 50 communicates through a TAPI interface with the Windows operating to control the telephony functions of a connected telephony device 78. Commands are sent from the program 50 (or other program associated with it) to the TAPI driver 76 which converts the commands into a format understandable by the associated specific telephony device 78, e.g., pick up the phone line and dial a specific number. Col. 5, lines 26-32. Thus, telephony device 78 carries out the desired telephone function. Col. 5, lines 32-36; Col. 6, lines 9-13; Figure 1. The cited portions of Standford describe a computer 56 that sends commands through a TAPI driver/interface 76,82 to the telephone 78 coupled to the computer 56. These "commands" appear to be translated into a format recognizable to the telephone 78, and the commands are utilized to command the telephone 78 to take some action. In contrast, Applicant's invention translates call commands transferred from a web application to a <u>call server system</u> from web application format into the <u>call server system format</u>. The web application commands of Applicant are (after being translated to the caller server system format) transferred to the <u>call server system</u>, see Specification. Therefore, it does not appear that the cited portions of Standford disclose or describe these elements or features.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 35-54.

III.   CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the

Application are in condition for allowance, and respectfully requests an early allowance of such
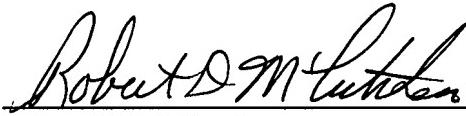
Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this

Application, the Applicant respectfully invites the Examiner to contact the undersigned at the

telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this

communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

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